

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GARY PARROTT,)	
Plaintiff)	
)	
v.)	C.A. NO. 13-cv-30007-MAP
)	
MICHAEL J. ASHE, JR., ET AL.,)	
Defendants)	

MEMORANDUM AND ORDER REGARDING
REPORT AND RECOMMENDATION RE: MOTIONS TO DISMISS
(Dkt. No. 11, 16 & 31)

February 24, 2014

PONSOR, U.S.D.J.

Plaintiff has brought this suit, pro se, seeking damages from Sheriff Michael Ashe and Governor Deval Patrick, based upon allegedly inadequate medical treatment he received while an inmate at the Hampden County Jail and House of Corrections. Both Defendants filed Motions to Dismiss (Dkt. Nos. 11 & 16), and these motions were referred to Magistrate Judge Kenneth P. Neiman for a report and recommendation.

On February 4, 2014, Judge Neiman recommended that both motions be allowed. Plaintiff filed a Motion for Discovery, which was denied, as well as a timely objection to the Report and Recommendation.

This court, upon de novo review, hereby ADOPTS Judge Neiman's Report and Recommendation (Dkt. No. 31), based upon

its merits. It is not necessary to repeat the facts as set forth in the Report and Recommendation. To the extent that Defendants have been sued in their official capacities, they are, as Judge Neiman noted, protected by immunity pursuant to the Eleventh Amendment. More importantly, the complaint lacks any specific facts asserted against either Defendant in any individual capacity.

There is no doubt that Plaintiff feels a sincere sense of injury. However, it would be false charity to pretend that the complaint as filed is sufficient to justify further action.

For the foregoing reasons, Defendants' Motions to Dismiss (Dkt. Nos. 11 & 16) are hereby ALLOWED. The clerk will enter judgment for Defendants and this case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge